IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 13195 of 2004

Between:

Syed Saleem Hussain, S/o Khaj Hussain,
R/o H.No.16-152, Opp:Z.P.High School,

New Paloncha, Khammam District

..... PETITIONER

AND

1 The Chief Engineer, O & M, Kothagudem Thermal Power Station, Paloncha, Khammam District
2 The Chairman & Managing Director, A.P.Generation Corporation Ltd. Somajiguda, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ order or direction particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not disposing of petitioner's appeal petition dated 23-3-2000 followed by two reminders dated 12-12-2001 and 22-8-2003 seeking for absorption against the Ex-Casual labour quota as arbitrary illegal and violative of Article 14,16 and 21 of the Constitution of India and consequently direct the 2nd respondent to dispose of the appeal petition dated 23-3-2000 filed by the petitioner aggrieved by the letter No.CE/KTPS/ADM/B/CC/162/99 28-8-99 issued by the Chief Engineer, O & M, KTPS, Paloncha.

Counsel for the Petitioner:MR.G.CHANDRAIAH

Counsel for the Respondents: SMT.K.SESHARAJYAM (SC FOR AP GENCO)

The Court at the admission stage made the following ORDER:

The petitioner is an Ex-Casual Labourer in the respondents Corporation. He made a representation to the first respondent on 18-11-1988 to absorb him as a regular worker. The first respondent did not take any action. He further contends that by virtue of an order issued on 18-05-1997, there was a proposal for absorbing the Ex-Casual Labourers but his case was not considered. He filed WP.No.25142 of 1998 along with others for a direction to the respondents to consider their case for absorption in terms of BP (P&G.Per)Ms.No.36, dated 18-05-1997. The High Court while disposing of the said writ petition on 07-09-1998, directed the respondents to consider the case of the petitioner and other similarly placed persons for regularization. Subsequently, the first respondent addressed a letter to him on 16-10-1998 informing to attend interview along with the required certificates and other required documents. On 16-02-1999, another letter was received by him to attend the office of the first respondent on
26-02-1999 for verification of the certificates. Another letter was also issued by the first respondent on 23-07-1999 directing him to submit transfer certificate. Ultimately, the first respondent rejected his case on 28-08-1999 on the ground that he worked only for 57 days as against 100 man days required and that as per the date of birth certificate, his age was only 17 years 10 months 25 days as on the date of his initial engagement and did not complete 18 years of age by that date. Aggrieved by the rejection order, the petitioner filed an appeal before the second respondent on 23-03-2000 requesting to absorb him as a regular labourer. He submitted two other applications also on 12-12-2001 and 22-08-2003 but the second respondent did not

take any action in the matter and the appeal was not disposed of. He, therefore, approached this Court to direct the second respondent to dispose of the appeal.

In the light of the circumstances explained by the petitioner, the second respondent is directed to pass appropriate orders according to law in the appeal petition filed by the petitioner on
23-03-2000 followed by the reminders dated 12-12-2001 and
22-08-2003 within two months from the date of receipt of this order and communicate the same to the petitioner.

The writ petition is accordingly, disposed of. No order as to costs.

30th JULY, 2004.

Note: furnish c.c. in two days.

B/o

kvni

To

1 The Chief Engineer, O & M, Kothagudem Thermal Power Station, Paloncha, Khammam District
2 The Chairman & Managing Director, A.P.Generation Corporation Ltd. Somajiguda, Hyderabad

3 Two CD copies.